A Declaration: OR, REPRESENTATION

FROM

His Excellencie, Sir *Tho. Fairfax*, and the Army under his command.

Humbly tendred to the Parliament concerning the Juſt and Fundamental Rights and Liberties of themſelves and the Kingdom.

With ſome humble Propoſals and deſires.

June 14. 1647.

By the appointment of his Excellencie, Sir Thomas Fairfax, *with the Officers and Souldiers of his Army, Signed*

John Ruſhworth Secretary.

LONDON,
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A *Declaration*, or *Repreſentation* from his Excellencie, Sir *Thomas Fairfax*, and the Army under his command.

THat we may no longer be the diſſatisfaction of our friends, the ſubject of our enemies malice (to work jealouſies and miſ-repreſentations upon) and the ſuſpition (if not aſtoniſhment) of many in the Kingdome, in our late or preſent tranſactions and conduct of buſineſſe; we ſhall in all faithfulneſſe and clearneſſe profeſſe and declare unto you theſe things which have of late protracted and hindered our diſbanding, the preſent greivances which poſſeſſe our Army, and are yet unremedied; with our deſires, as to the compleat ſettlement of the Liberties and peace of the Kingdom; which is that bleſſing of God, then which (of all worldly things) nothing is more deare unto us, or more precious in our thoughts, we having hitherto thought all our preſent enjoyments, (whether of life or lively-hood, or neareſt relations) a price but ſufficient to the purchaſe of ſo rich a bleſſing, that we, and all the Free-borne people of this Nation, may ſit down in quiet under our Vines, and under the glorious adminiſtration of Juſtice and Righteouſneſſe, and in full poſſeſſion of thoſe fundamentall Rights and Liberties, without which we can have little hopes (as to humane conſiderations) to enjoy either any comforts of life, or ſo much as life it ſelfe; but at the pleaſures of ſome men, ruling meerly according to will and power.

It cannot be unknown what hath paſſed betwixt the Parliament and Army, as to the ſervice of *Ireland*; by all which, together with the late proceedings againſt the Army, in relation to their Petition and greivances, all men may judge what hath hindred the Army from a ready engagement in

that ſervice, & without further accompt or Apology as to that particular, then what thoſe paſſages & proceedings themſelvs (already made publike) doe afford,) We doe appeal to your ſelves, whether thoſe courſes, to which the Parliament hath (by the deſignes and practice of ſome) been drawn, have rationally tended, to induce a chearfull and unanimous undertaking of the Army to that ſervice, or rather to breake and pull the Army in peeces with diſcontent and diſhonour, and to put ſuch diſ-obligations, and provocations upon it, as might drive it into diſtemper, and indeed diſcourage both this Army, and other Souldiers from any further engagement in the Parliaments ſervice. And we wiſh all men would (with us) upon the whole carriage, ſeriouſly conſider whether (in the intentions of thoſe who have by falſe informations and miſ-repreſentations put the Parliament upon ſuch wayes) the timely and effectuall re eif of *Ireland* ſeeme really to have beene intended, or rather (with the breaking or disbanding of this Army) to draw together or raiſe ſuch other forces, and of ſuch a temper as might ſerve to ſome deſperate and deſtructive deſignes in *England*; For which (beſides the probable ſuſpitions from their carriage of the buſines) we have beforehand in the tranſaction thereof had more then hints of ſuch a deſigne, by clear expreſſions to that purpoſe, from many of thoſe Officers of the Army, that have been perſwaded, and appeared moſt forward to engage as for *Ireland* on the terms propoſed: And that ſuch a deſigne hath all along been driven, ſeems now too evident by the preſent diſpoſing of thoſe Forces that have been engaged for *Ireland*, by the endeavours of ſome to gain a power from the Parliament of ordering thoſe Forces for ſome ſervice in *England*, & by the private Liſtings of men for ſervice here, without any publike authority of Parliam. And (al this) by the ſame perſons who have all along appeared moſt active and violent in the late proceedings againſt the Army.

As to the juſt Diſcontents and Diſſatisfactions of the Army in relation to their Grievances, and their Non-compliance to the late Orders for ſudden Disbanding by peece-meale, (before more full and equall ſatisfaction were given to the whole)

whole) we desire you to look back to the Papers already publisht of the grievances themselves, the *Narrative* of the Officers, and to the later Papers from the generall Counsel of War at *Bury*, and the late generall Rendezvouz neer *New-Market*; And (we think) your late resuming the consideration of those things (as to a further satisfaction) doth much justifie the desires and proceedings of the Army, in those past particulars, hitherto.

And though, had we (upon our first addresses for our undoubted rights and dues) found a free and candid reception, with a iust consideration and a reasonable satisfaction, or at least a free answer therein, we should have been easily perswaded to have abated or forborn much of our dues, and not to have enquired into or considered (so far as we have) either the possibilities there are for more present satisfaction of Arrears, or the credit of future Securities proposed: yet since upon these former Addresses we have found such hard dealing as in the said Papers is set forth, and those additionall (though hitherto but partiall) satisfactions, comming so hardly as they have; we find no obliging reasons, in the least, to decline or recede from what's our due, but rather still to adhere unto our desires of full and equal satisfaction in all the things mentioned in the aforesaid Papers, not only in behalf of our selves and the Army, but also of the whole Souldiery throughout the Kingdom, who have concurred or shal concur with us in the same desires. And to all our former Desires as Souldiers we cannot but adde this, (wherein we find our selvs so neerly concerned in point of Justice and reputation) That more care & a stricter course may be taken for making good all Articles granted upon Surrenders, according to the true intent and meaning of them; as also for remedy and reparation, in case of any breach, and this without those delays which divers have found as preiudiciall to them, or more then if they had been totally denied the performance of them.

Nor will it now (we hope) seem strange or unreasonable to rationall and honest men, who consider the consequence of our present case, to their own and the Kingdomes, (as well as our) future concernments in point of Right, Freedome,

Peace

Peace and safety, if (from a deep sense of the high consequence of our present case, both to our selves (in future) and all other people) we shall, before disbanding, proceed in our own and the Kingdoms behalf, to propound and plead for some provision for our and the Kingdoms satisfaction and future security, in relation to those things, especially considering that we were not a meer mercenary Army hired to serve any Arbitrary power of a State, but called forth and conjured by the severall Declarations of Parliament, to the defence of our own and the Peoples just rights and Liberties; And so we took up Arms in judgement and conscience to those ends, and have so continued them, and are resolved according to your first just desires in your Declarations, and such principles as we have received from your frequent Informations, and our own common sense, concerning those our fundamentall rights & liberties, to assert and vindicate the just power and rights of this Kingdome in Parliament for those common ends premised against all arbitrary power, violence and oppression, and against all particular parties or interests whatsoever. The said Declarations still directing us to the equitable sense of all Laws and Constitutions, as dispensing with the very letter of the same, and being supreme to it, when the safety and preservation of all is concerned; And assuring us that all authority is fundamentally seated in the Office, and but ministerially in the Persons. Neither do or will these our proceedings (as we are fully and in conscience perswaded) amount to any thing not warrantable before God and men; being, thus far, much short of the common proceedings in other Nations, to things of an higher nature then we have yet appeared to; and we cannot but be sensible of the great complaints that have been made to us generally in the Kingdome from the people where we march, of Arbitrarinesse and Injustice, to their great and insupportable oppressions.

And truly such Kingdomes as have according both to the law of Nature and Nations appeared to the vindication and defence of their just Rights and Liberties, have proceeded much higher, as our brethren of *Scotland*, who in the first beginning of these late differences associated in covenant, from the very

same

ſame grounds and principles (having no viſible form, either of Parliament or King to countenance them) And as they were therein juſtified and protected by their own and this Kingdom alſo, ſo we juſtly ſhall expect to be.

We need not mention the States of the Netherlands, the Portugals and others, all proceeding upon the ſame Principles of right & freedome; And accordingly the Parliament hath declared it no reſiſting of Magiſtracie, to ſide with the juſt principles and law of nature & Nations, being that Law upon which we have aſſiſted you, and that the ſouldiery may lawfully hold the hands of that Generall who will turne his Cannon againſt his Army on purpoſe to deſtroy them, the Seamen the hands of that Pilot, who wilfully runs the ſhip upon a rock, (as our Brethren of *Scotland* argued,) And ſuch were the proceedings of our Anceſtors of famous memory, to the purchaſing of ſuch Rights and Liberties, as they have enjoyed through the price of their bloud, and wee (both by that and the later bloud of our deare friends, and fellow Souldiers with the hazard of our owne, do now lay claime unto,

Nor is that ſupreame end, (the Glory of God) wanting in theſe caſes, to ſet a price upon all ſuch proceedings of righteouſneſſe and juſtice, it being one Witneſſe of God in the world, to carry on a Teſtimony againſt the Injuſtice and Unrighteouſneſſe of men, and againſt the miſcarriage of Governments, when corrupted or declining from their Primitive and Originall glory.

Theſe things wee mention, but to compare proceedings, and to ſhew that wee are ſo much the more juſtifyable, and warranted, in what we doe, by how much we come ſhort of that height and meaſure of proceedings, which the people in free Kingdomes and Nations have formerly practiſed.

Now having thus farre cleared our way in this buſineſſe, we ſhall proceed to propound ſuch things as wee do humbly deſire for the ſetling and ſecuring of our owne and the Kingdomes common right, freedome, peace, and ſafety as followeth.

1. That

1. That the Houſes may be ſpeedily purged of ſuch Members as for their delinquency or for Corruptions, or abuſe to the State or undue Elections ought not to ſit there, whereof the late Elections in *Cornewall*, *Wales*, and other parts of the Kingdome afford too many examples, to the great prejudice of the peoples freedome in the ſaid Elections.

2. That thoſe perſons, who have, in the late unjuſt and high proceedings againſt the Army appeared to have the will, the confidence, credit, and power, to abuſe the Parliament and the Army, and endanger the Kingdom in carrying on ſuch things againſt us (while an Army) may be ſome way ſpeedily diſabled from doing the like or worſe to us (when disbanded and diſperſt, and in the condition of private men) or to other the free-born people of *England* in the ſame condition with us; and that for that purpoſe the ſame perſons may not continue in the ſame power (eſpecially as our and the Kingdoms Judges in the higheſt truſt) but may be made incapable thereof for future.

And if it be queſtioned who theſe are, we thought not fit particularly to name them in this our Repreſentation to you, but ſhall very ſpeedily give in their names; and before long ſhall offer what we have to ſay againſt them to your Commiſſioners, wherein we hope ſo to carry our ſelves, as that the World ſhall ſee we aim at nothing of private revenge and animoſities, but that juſtice may have a free courſe, and the Kingdome be eaſed, and ſecured by diſinabling ſuch men (at leaſt) from places of Judicature, who deſiring to advantage, and ſet up themſelves and their party in a generall confuſion, have endeavoured to put the Kingdom into a new flame of war, then which nothing is more abhorrent to us.

But becauſe neither the granting of this alone would be ſufficient to ſecure our own and the Kingdoms rights, liberties, and ſafety, either for the preſent age or poſterity; nor would our propoſals of this ſingly be free from the ſcandall and appearance of Faction or deſigns only to weaken one Party (under the notion of unjuſt or oppreſſive) that we may advance another (which may be imagined more our own) We therefore declare,

that

That indeed we cannot but wiſh, that ſuch men, and ſuch onely, might be preferred to the great power and truſt of the Commonwealth, as are approved, at leaſt for Morall righteouſneſſe; And of ſuch we cannot but in our wiſhes preferre thoſe, that appeare acted thereunto by a principle of conſcience, and Religion in them.

And accordingly, we doe and ever ſhall bleſſe God for thoſe many ſuch Worthies, who through his Providence, have been choſen into this Parliament, and to ſuch mens indevours (under God) we cannot but attribute that Vindication (in part) of the Peoples Rights and Liberties; and thoſe beginnings of a juſt Reformation, which the firſt proceedings of this Parliament appeared to have driven at, and tended to, though of late obſtructed, or rather diverted to other ends and intereſt, by the prevailing of other perſons, of other principles and conditions.

But yet we are ſo farre from deſigning or complying to have an abſolute or Arbitrary power fixed, or ſetled, for continuance, in any perſons whatſoever, as that (if we might be ſure to obtain it) we cannot wiſh to have it ſo in the perſons of any whom we could moſt confide in, or who ſhould appeare moſt of our owne opinions, or principles, or whom we might have moſt perſonall aſſurance of, or intereſt in; But we do, and ſhall much rather wiſh, that the Authority of this Kingdome in Parliaments (rightly Conſtituted) that is, freely, equally, and ſucceſſively choſen, according to its originall intention) may ever ſtand and have its courſe. And therefore we ſhall apply our deſires, chiefly to ſuch things, as (by having Parliaments ſetled in ſuch a right Conſtitution) may give moſt hopes of Juſtice, and Righteouſneſſe to flow down equally to all, in that its ancient channell, without any overtures tending either to overthrow that foundation of Order, and Government in this Kingdome; or to ingroſſe that power for perpetuity into the hands of any particular perſons or party whatſoever.

And for that purpoſe, though (as we have found it doubted by many men, minding ſincerely the publick good: but not weighing ſo fully all conſequences of things) it may, and is not unlike to prove that upon the ending of this Parliament, and the election of new, the Conſtitution of ſucceeding Parliaments (as to the perſons elected) may prove for the worſe many wayes, yet ſince neither in the preſent purging of this Parliament, nor in the election of new, we can-

not promiſe to our ſelves, or the Kingdome, an aſſurance of Juſtice or other poſitive good from the hands of men, but thoſe who for preſent appear moſt righteous and moſt for common good (having an unlimitted power fixed in them during life or pleaſure) in time may become corrupt, or ſettle into parties or factions: or, on the other ſide, in caſe of new elections, thoſe that ſhould ſo ſucceed, may prove as bad, or worſe then the former.

We therefore humbly conceive, that (of two inconveniencies, the leſſe being to be choſen) the main thing to be intended in this caſe (and beyond which humane providence cannot reach, as to any aſſurance of poſitive good) ſeems to be this, *Viz.* to provide, that however unjuſt, or corrupt, the perſons of Parliament men, in preſent, or future may prove, or whatever ill they may doe to particular parties (or to the whole in particular things) during their reſpective termes, or periods, yet they ſhall not have the temptation, or advantage of an unlimitted power fixt in them, during their own pleaſures, whereby to perpetuate injuſtice, or oppreſſion upon any (without end or remedy) or to advance, or uphold any one particular party, faction, or intereſt whatſoever, to the oppreſſion, or prejudice of the Community, and the inſlaving of the Kingdome unto all Poſterity, but that the people may have an equall hope, or poſſibility, if they have made an ill choyce at one time, to mend it in another, and the Members of the Houſe themſelves may be in a capacity to taſte of ſubjection, as well as rule, and may be inclined to conſider of other mens caſes, as what may come to be their own. This we ſpeak of in relation to the Houſe of Commons, as being intruſted on the peoples behalf, for their intereſt in that great, and ſupreme power of the Common-wealth (*viz.* the Legiſlative power with the power of finall judgement) which being in its own nature ſo arbitrary, and in a manner unlimitted (unleſſe in point of time) is moſt unfit, and dangerous (as the peoples intereſt) to be fixt in the perſons of the ſame men during life, or their own pleaſures. Neither by the originall conſtitution of this State, was it, or ought it to continue ſo, nor does it (where-ever it is, and continues ſo) render that State any better then a Tyranny, or the people ſubjected to it any better then Vaſſals. But in all States, where there is any face of common freedome, and particularly in this State of *England*, (as is moſt evident both by many

Poſitive

positive laws, and ancient constant custeme) the people have a right to new, and successive elections unto that great and supreme Trust, at certain periods of time, which is so essentiall and fundamentall to their freedom, as it cannot, or ought not to be denyed them, or with-holden from them, and without which the House of *Commons* is of very little concernment to the interest of the *Commons of England*.

Yet in this we would not be mis understood in the least, to blame those Worthies of both Houses, whose zeale to Vindicate the Liberties of this Nation, did procure that Act for *Continuance of this Parliament*, whereby it was secured from being dissolved at the Kings pleasure (as former Parliaments had been) as reduced to such a certainty as might inable them the better to assert, and Vindicate the Liberties of this Nation (immediately before so highly invaded, and then also so much indangered.) And this we take to be the principall ends, and grounds for which in that exigency of time, and affaires it was procured, and to which we acknowledge it hath happily been made use of, but we cannot think it was by those Worthies intended, or ought to be made use of, to the perpetuating of that supreme trust, and power in the persons of any, during their own pleasurns; or to the debarring of the people from their right of elections (totally now) when those dangers or exigencies were past, and the affaires, and safety of the Common-wealth would admit of such a change.

Having thus cleared our grounds and intentions (as we hope) from all scruples, and misunderstandings: in what follows, we shall proceed further to propose what we humbly desire for the setling, and securing of our owne, and the Kingdomes rights and liberties (through the blessing of God) to posterity. And therefore upon all the grounds premised, we further humbly desire, as followeth:

3. That some determinate period of time may be set, for the continuance of this, and future Parliaments, beyond which none shall continue, and upon which new Writs may of course issue out, and new elections successively take place according to the intent of the Bill for Triennial Parliaments.

And herein wee would not bee mis-understood to desire

a preſent or ſudden diſſolution of this Parliament, but only (as is expreſt before) that ſome certain period may bee ſet for the determining of it, ſo as it may not remain (as now) continuable for ever, or during the pleaſure of the preſent Members, and wee ſhould deſire that the period, bee now ſet, for ending this Parliament, may bee ſuch, as may give ſufficent time for proviſion of what is wanting and neceſſary to bee paſſed in point of juſt reformation, and for further ſecuring the rights, and liberties, and ſettling the peace of the Kingdome. In order to which we further humbly offer.

4 That ſecure proviſion may be made for the continuance of future Parliaments: ſo that they may not bee adjournable or diſſolvable at the the Kings pleaſure or any other wayes, then by their owne conſent during their reſpective periods, but at thoſe periods each Parlament to determine of courſe as before. This we deſire may be now provided for, (if it may bee) ſo as to put it out of all diſpute for future, though wee thinke of right it ought not to have been otherwiſe before.

And thus a firme foundation being layd in the authority and conſtitution of Parliaments for the hopes at leaſt, of common and equal right, and freedome to our ſelves, and all the free-born people of this Land, we ſhall hereby for our parts freely, and cheerefully commit our ſtock or ſhare of intereſt in this Kingdome into this common bottome of Parliaments. And though it may (for our particulars) goe ill with us in the voyage, yet we ſhall thus hope (if right bee with us) to fare better in another.

Theſe things wee deſire may bee provided for by Bill or Ordinance of Parliament, to which the Royall aſcent may be deſired, and when his Majeſty in theſe things and what elſe ſhall bee propoſed by the Parliament neceſſary for ſecuring the rights and liberties of the people, and for ſetling the Militia, and peace of the Kingdome ſhall have given his concurrence to put them paſt diſpute, wee ſhall then deſire that the rights of his Majeſty and his poſterity may bee conſidered of and ſettled in all things, ſo farre as may conſiſt with the right and freedome of the ſubject, and with the ſecurity of the ſame for future.

5 Wee

5. We desire, that the right and freedome of the people, to represent to the Parliament by way of humble petition, their grievances (in such things as cannot otherwise bee remedied then by Parliament) may be cleared and vindicated: That all such grievances of the people may be freely received, and admitted into consideration, and put into an equitable and speedy way, to be heard, examined, and redressed (if they appeare reall) and that in such things for which men have remedy by Law, they may be freely left to the benefit of Law, and the regulated course of justice without interruption or checke from the Parliament, except in case of things done upon the exigency of war, or for the service, and benefit of the Parliament, and Kingdome in relation to the war, or otherwise in due pursuance, and execution of Ordinances, or Orders of Parliament.

More particularly (under this head) we cannot but desire, that all such as are imprisoned, for any pretended misdemeanor, may be put into a speedy way for a just hearing, and triall, and such as shall appeare to have beene unjustly, and unduly imprisoned, may (with their liberty) have some reasonable reparation according to their sufferings, and the demerit of their oppressors.

6. That the large powers given to Committees, or Deputy Lievtenants during the late times of war and distraction, may be speedily taken into consideration: That such of those powers as appeare not necessary to be continued, may be taken away, and such of them as are necessary, may be put into a regulated way, and left to as little arbitrarinesse, as the nature and necessity of the things wherein they are conversant will beare.

7. We could wish that the Kingdome might both be righted and publickly satisfied in point of accounts for the vast summes that have been levyed and paid, as also in divers other things, wherein the Common wealth may be conceived to have been wronged or abused; but we are loath to presse any thing, that may tend to lengthen out future disputes or contestations: but rather such as may tend to a speedy and generall composure and quieting of mens mindes, in order to peace, for which purpose we further propose.

8. That

8. That publicke justice being first satisfied by some few examples to posterity out of the worst of excepted persons, and other delinquents having past their Compositions, some course may be taken by a generall act of oblivion, or otherwise, whereby the seeds of future war or fears either to the present age or posterity may the better be taken away, by easing that sence of present, and satisfying those feares of future ruine or undoing to persons or families which may drive men into any desperate wayes for selfe-preservation, or remedy, and by taking away the private remembrances and distinction of parties, as far as may stand with safety to the rights and liberties wee have hitherto fought for.

There are (besides these) many particular things which we could wish to be done, and some to be undone, all in order still to the same ends of common right, freedome, peace, and safety. But these propositions afore-going being the principall things we bottom, and insist upon (we shall (as we have said before) for our parts acquiesse, for other particulars in the wisdome and justice of Parliaments. And whereas it hath been suggested or suspected, that in our late, or present proceedings, our designe is to over throw *Presbytery*, or hinder the settlement thereof, and to have the *Independent-Government* set up, we doe clearely disclaime, and disavow any such Designe, we onely desire, that according to the Declarations (promising a provision for tender consciences) there may some effectuall course be taken according to the intent thereof, and that such, who upon conscientious grounds may differ from the established formes, may not (for that) be debarred, from the common rights, Liberties, or benefits, belonging equally to all, as men, and members to the Common-wealth, while they live soberly, honestly, and in-offensively towards others, and peacefully and faithfully towards the State.

We have thus freely and clearly declared the depth, and bottome of our hearts, and desires, in Order to the Rights, Liberties and peace of the Kingdome, wherein we appeal to all men, whether we seek any thing of advantage to our selves, or any particular party what ever to the prejudice of the whole, and whether the things we wish, and seek, doe not equally concern

and

and conduce to the good of others in common with our ſelves, according to the ſincerity of our deſires, and intentions wherein (as we have already found the concurrent ſenſe of the people in divers Countries, by their Petitions to the Generall, expreſſing their deep reſentment of theſe things, and preſſing us to ſtand for the Intereſt of the Kingdome therein, ſo we ſhall wiſh, and expect to finde the unanimous concurrence of all others, who are equally concerned with us in theſe things, and wiſh well to the Publick.

And ſo truſting in the mercy and goodneſſe of God to paſſe by, and helpe any failings or infirmities of ours in the carriage or proceedings hereupon, wee ſhall humbly caſt our ſelves, and the buſineſſe upon his good pleaſure, depending only on his preſence, and bleſſing for an happy iſſue, to the peace and good of this poor Kingdome, in the accompliſhment whereof wee deſire, and hope that God will make you bleſſed inſtruments.

June 14. 1647

BY the appointment of his Excellency, Sir *Tho. Fairefax*, with the Officers and Souldiers of his Army. Signed

Jo. Rushworth.

Secretary.

FINIS.